

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Henrike LUTZ, *et al.*

Serial No.: 10/593,213

Filed: January 12, 2007

For: HYPHAE-SPECIFIC CELL WALL PROTEINS OF CANDIDA

Confirmation No.: 5911

Date: August 5, 2009

Group Art Unit: 1656

Examiner: Marsha M. Tsay

VIA EFS - WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action mailed in this application on July 8, 2009, claims 22, 23 and 24 are subject to a further restriction requirement under 35 U.S.C. §§ 121 and 372. Applicants are required to select an agent from among three 'groups' designated by the Examiner, namely: group (1) - nucleic acid, vector, host cell and protein; group (2) - antisense nucleic acids; and group (3) an antibody.

In response applicants elect, with traverse, group (1), i.e., nucleic acid, vector, host cell and protein.

Applicants respectfully traverse the restriction requirement as between groups (1) and (2) above in that nucleic acids according to group (1) and antisense nucleic acids according to group (2) derive from each other and they can both be used in a method according to claim 22 in the same way. For example, both types of nucleic acids can be used in a method using a DNA array. Furthermore, both of these nucleic acid molecules are parts of the same double-stranded DNA molecule as used in, for example, a vector.

Based on the remarks presented above, therefore, the Examiner is respectfully requested to withdraw the restriction between groups 1 and 2.

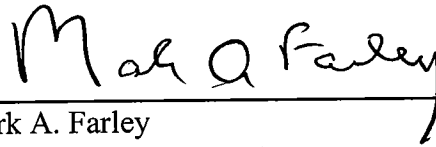
No fee is believed to be due with this response. Should any fee be due, authorization is hereby provided to charge the required amount to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM ON August 5, 2009.



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MAF:stb